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September 5, 2018

The Honorable Barbara Moses  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St.  
New York, NY 10007-1312

Re: Seidman v. Gax Productions LLC – Docket No.1:18-cv-2048

Dear Judge Moses:

In light of the Plaintiff's Letter dated September 4, 2018, Defendant provides the Court with the email communications between counsel regarding the provision of discovery responses from the Court's Order dated August 28, 2018. The emails are attached to this Letter.

On August 28th,

Plaintiff wrote: Did you read our amended answers? Let me know if you want to jump on the phone. Thank you.

Defendant: Richard, I read the amended answers, if you are referencing the amended answers sent previously. These are the reason the Letter and Motion were filed, as stated in both the Letter and Motion.

No reason to jump on the phone as there is an outstanding Order.

Plaintiff: I don't see any issue with the amended answers. Want to meet and confer?

On August 29th:

Defendant: Please send the most recent amended answers in a new email thread so I can make sure we are speaking about the same documents.

Plaintiff then forwarded the email sent to Defendant on August 23rd with its amended responses attached. At that time counsel also stated that "Plaintiff is still looking to see if she has any more documents in her possession" and that "Fact discovery closes on September 18, 2018."

Plaintiff: These are the amended responses you sent to me on August 23rd. The next day I filed the Motion to Compel and on August 25th I filed the Letter Motion, both referencing the amended responses as not being responsive to the discovery requests. On August 28th, the Court issued an Order that discovery must be complied with in accordance with the Federal Rules of Civil Procedure.

If this is an accurate description of this part of the discovery process, then what is there to speak about?

August 30th:

Plaintiff: There is nothing wrong with these amended responses. If you do not withdraw your motion, we plan on seeking fees against you and your firm for having to respond. Please withdraw from Friday at 12pm. Thank you.

Defendant: Richard, from the amended responses I read, interrogatories were still objected to and responses were still not provided. Only two documents were provided in response to the document requests, one contract and one news article seemingly unrelated to this case. If this is correct, I suggest you review the Judge's Order, dated August 28, 2018. If this is not correct, then please provide any information that would clarify these points.

Accordingly, Defendant respectfully requests that its Motion to Compel be granted, and that Defendant be awarded attorney's fees for the Plaintiff's flagrant disregard of the Federal Rules of Civil Procedure and the Court's Order.

Thank you for your consideration of this matter.

Sincerely,

Laurence Singer

cc: Richard Liebowitz. Esq.